

**Using an Integrated Approach to Compliance:
Border Warehouse Case Study**

Presented by

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Quality

Presented at

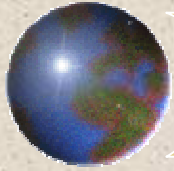
*National Compliance Assistance Providers Forum
December 3-6, 2002
San Antonio, Texas*

Cosponsored by

*U.S. Environmental Protection Agency
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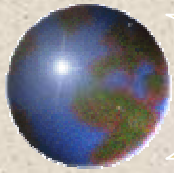
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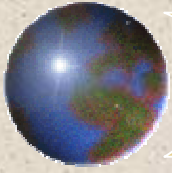
The U.S./Mexico Border Warehouse Initiative

An Integrated Approach to Compliance Assistance

Presented by:

**Mark Potts, Chief
U.S. EPA Reg. 6
Hazardous Waste
Enforcement Branch**

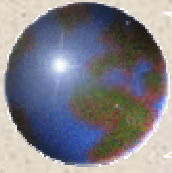
**Gerry Pinzon, Director
TCEQ, Region 16
Laredo, TX**



BACKGROUND

Border Warehouse Initiative:

- ❏ Began as a result of an Enforcement Project that focused on conducting hazardous waste inspections at border area warehouses.**
- ❏ Created as a response to rising environmental concerns along the border.**



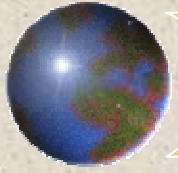
Reasons for Investigations

✚ Citizen Concerns

✚ Proximity of warehouse industry to water resources

✚ Mismanaged hazardous materials could result in:

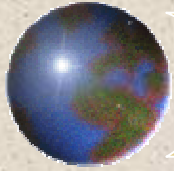
- Public exposure to hazardous materials or wastes**
- Contamination of:**
 - The Rio Grande River**
 - Other sources of drinking water**



Reasons for Investigations

(cont.)

- ❖ Compliance History - prior TCEQ inspections at warehouses showed problems that included:**
 - ❖ Illegal dumping and disposal**
 - ❖ Improper recycling, and**
 - ❖ Improper waste management**
 - Problems with container labeling, condition of containers, container inspections, etc.**



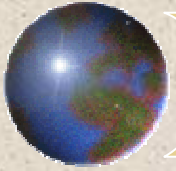
Reasons for Investigations

(cont.)

✚ Federal/State Regional Initiatives

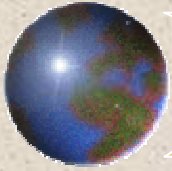
- ✚ EPA involved in a Permit Evader Regional Initiative**
- ✚ TCEQ involved in a Non-notifier Regional Initiative**

The Border Warehouse Initiative combined regional priorities and resources in the development of a beneficial partnership between both agencies.



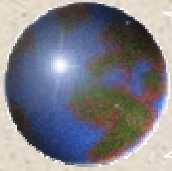
Who was involved?

- ✚ **The U.S. EPA Region 6 Hazardous Waste Enforcement Branch (EPA)**
- ✚ **The Texas Commission on Environmental Quality (TCEQ), Austin and Regional Offices**
- ✚ **Other regulatory agencies**
 - **U.S. Department of Transportation, U.S. Customs, local regulatory agencies**



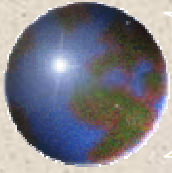
LET'S START

- ✚ The U.S./Mexico Border Warehouse Initiative:**
 - ▣ Where? Laredo, TX**
 - ▣ When? Fall 2000**
 - ▣ What? Initial Inspections to establish baseline for Initiative**



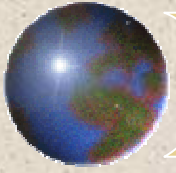
Laredo's Vulnerability

- ✦ Increase in transboundary traffic due to NAFTA**
- ✦ Approximately 10% is Hazardous Waste or Hazardous Materials**
- ✦ 38% of traffic crosses in Laredo Bridges (Colombia & World Trade Bridges)**
- ✦ Colombia Bridge is upriver from Laredo's water intake...**



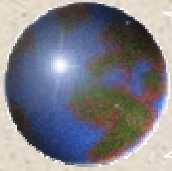
Laredo's Vulnerability (cont.)

- ✚ **About 2000 warehouses in Laredo area store transboundary shipments, and**
- ✚ **25 % of these warehouses are registered as Hazardous Materials Handlers**



Establishing Baseline (Sept 2000)

- ✚ **Developed target list using multi-agency/local official databases**
- ✚ **216 warehouses were inspected**
 - ✚ **Personnel included 9 inspectors from EPA/TCEQ**
- ✚ **Some sampling conducted**



Baseline Outcome

Inspections identified majority of RCRA violations caused by following problems:

- ❏ Abandoned hazardous products becoming waste due to business deals not fulfilled**
- ❏ Potential illegal disposal in Mexico via warehouses**

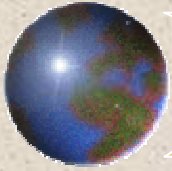






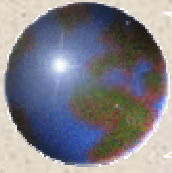






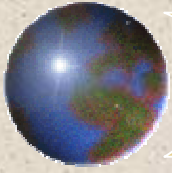
Baseline Outcome (cont.)

- ✚ **Identified 13% (28 warehouses) to be potentially non-compliant**
- ✚ **Environmental problems were not widespread as initially anticipated**
 - ✚ **Severe violations were caused by a small percentage of industry**
- ✚ **Determined need for community and warehouse industry assistance in identifying other violators (e.g., shippers)**



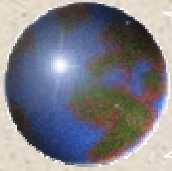
Enforcement Results (2000-01)

- ✚ **Notice of violations sent to non-compliant facilities**
- ✚ **EPA issued about \$4,000 in penalty amount**
- ✚ **Determined need to investigate other potential violators (e.g. shippers, generators)**
- ✚ **Identified enforcement challenges**



Enforcement Challenges

- ❖ **Some facility representatives:**
 - ❑ **Lived/worked in Mexico, making it difficult to contact reps**
 - ❑ **Only spoke Spanish**
 - ❑ **Had high employment turnover rates**
- ❖ **Lack of local recycling & disposal facilities**



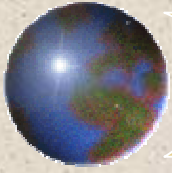
Enforcement Challenges (cont.)

✚ Warehouse industry's lack of RCRA:


- ❏ Knowledge – What is RCRA?**
- ❏ Training – How does it apply to my business?**

✚ Industry's limited knowledge on potential liabilities:

- ❏ Threats to human health**
- ❏ Negative environmental impacts**
- ❏ Enforcement penalties**



Next Step

 **EPA/TCEQ felt need to:**

 **Develop outreach efforts such as seminars**

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